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SOURCE Buletinul Oficial.RUMANIAN DECREE REORGANIZING OFFICE OF PROCURATOR-GENERAL

[Summary: Decree No 100, issued in Bucharest on 20 February
 1953 by the Presidium of the Grand National Assembly, amends De-
 cree No 6 of 19 June 1952 and reorganizes the Office of the Proc-
 urator-General of the Rumanian People's Republic.]

I. GENERAL INSTRUCTIONS

Article 1

The Office of the Procurator-General of the Rumanian People's Republic
 is hereby established for the purpose of insuring adherence to all laws of
 the Rumanian People's Republic by all local and state organs; administrative
 bodies of the state; state industrial institutions, organizations, and enter-
 prises; all cooperative enterprises; as well as by all workers and citizens
 of the nation.

Article 2

The Office of the Procurator-General of the Rumanian People's Republic
 is headed by the Procurator-General of the Rumanian People's Republic.

Article 3

The Procurator-General of the Rumanian People's Republic is appointed
 by the Grand National Assembly for a term of 5 years.

He is responsible to the Grand National Assembly of the Rumanian Peo-
 ple's Republic and also to the Council of Ministers, and, during the in-
 tervals between sessions of the Council of Ministers, to the Presidium of
 the Grand National Assembly and to the Council of Ministers.

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Article 4

The Procurator-General of the Rumanian People's Republic will have an advisory vote at all sessions of the Presidium of the Grand National Assembly and also of the Council of Ministers.

II. DUTIES OF THE OFFICE OF THE PROCURATOR-GENERAL
OF THE RUMANIAN PEOPLE'S REPUBLIC

Article 5

The Office of the Procurator-General has the following duties:

- a. To insure that all orders, instructions, decisions, dispositions, and acts of local state organizations or of state economic enterprises, institutions, and organizations, as well as of any other cooperative or people's organization, be of such nature as to agree with the laws of the Rumanian People's Republic and with the decisions of the Council of Ministers.
- b. To insure that any infraction of the law receive just and quick punishment.
- c. To insure the individual liberty of the citizens, to control and check on the legality of any detention of citizens, and to take measures for freeing those unjustly detained.
- d. To insure the uniform and just application of all laws by tribunals throughout the entire country and to supervise their judicial activities.
- e. To supervise the activities of all judicial bodies and the execution of sentences and other judicial decrees, as well as measures taken in all penal institutions.

Article 6

To carry out the measures indicated in Article 5 above, the Procurator-General of the Rumanian People's Republic has the right to question the validity of acts and decisions taken by any local or state organ, or by any ministry or higher administrative organ, if their actions are not in accord with the laws of the Rumanian People's Republic and the decisions of the Council of Ministers.

1. The Procurator-General may take part, and may have a consulting position in any session of local or state meetings which handle decisions of a normative character.
2. The local organs of state administration are obliged to communicate to the Procurator-General, within 5 days after their signature, all decisions, dispositions, and laws of a normative character.

In the event that the Procurator-General of the Rumanian People's Republic finds that the decision, disposition, or act was not of a legal nature, he will question the validity of the law within a period of 10 days after receiving notice of it and bring it to the attention of the people's council or executive committee of the people's council which issued the law originally.

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The respective people's councils are obliged to re-examine the law within a 10-day period after receipt of notice from the Office of the Procurator-General. Failure to do so within the proper time results in suspension of the law. The result is communicated to the Procurator-General.

In the event that a solution by the local people's council is still found to be illegal, then:

a. The raion prosecuting attorney or the city prosecuting attorney may call the regiune prosecuting attorney to a joint meeting with the people's council or the executive committee of the people's council in order to question the validity of the law.

b. Or, the regiune prosecuting attorney may call on the Procurator-General of the Rumanian People's Republic and request that he take the matter up with the Presidium of the Grand National Assembly, which will take legal sanction against the respective people's council of the regiune or city.

3. The Procurator-General of the Rumanian People's Republic may request, for purposes of verification and approval, a copy of all orders, instructions, or other acts and decrees issued by any ministry of the government or high administrative organ and may question their legality before the Council of Ministers of the Rumanian People's Republic.

4. In the event that any normative act is found to be illegal, the Procurator-General will summon the administrative body of the particular state economic enterprise, institution, or organization which committed the wrongful act and take any necessary measures to insure proper obedience to the law.

5. The Procurator-General must call to the attention of all local organizations, ministries, and other administrative bodies of the government any acts which tend to infringe on the rights and interests of the citizens. In this connection, he has the following duties:

a. To check on all infringements committed by any local or state organ and to request that proper respect of the law be exercised.

b. To make periodic checks on the activities of all state organs, and to eradicate the causes for any complaint by the people.

Article 7

In order to carry out the duty outlined in Article 5, section b, above, the Procurator-General will:

a. Control and direct penal activities of the judiciary, having the right to inspect all briefs and trials of any court, to follow the proceedings, and to give orders as to the manner in which proceedings will be carried out.

b. Furnish tribunals with evidence in any given penal case and participate in the decision.

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Article 8

In order to carry out the duties outlined in Article 5 above, particularly those in section c, the Procurator-General will:

- a. Be the sole person who will have the right to order the detention of any citizen of the country beyond a 24-hour period, if such citizen is charged with serious infraction of the law.
- b. Have the right to control and check all places of detention of prisoners and to issue orders for freeing prisoners detained illegally.

Article 9

In order to carry out the duties outlined in Article 5, particularly section b, the Procurator-General will have the right to:

- a. Demand any file or brief for inspection from a lower court and call on the Supreme Tribunal of the Rumanian People's Republic for the fair adjudication of any given case, as well as suspend sentences under question.
- b. Take part and give opinion in the special sessions of the plenary session of the Supreme Tribunal according to Article 41, Section B, of Law No 5/1952 organizing the judiciary of the Rumanian People's Republic.
- c. Question all instructions or directions issued by the plenary session of the Supreme Tribunal of the Rumanian People's Republic to any of its inferior courts. This questioning is done before the Presidium of the Grand National Assembly of the Rumanian People's Republic.
- d. The Procurator-General will follow the method of questioning outlined by law.

Article 10

For the performance of the duties outlined in Article 5 above, specifically section e, the Procurator-General controls the activities of all courts in executing sentences, as well as the activities of all militia bodies in detaining prisoners.

Article 11

Orders issued by the Procurator-General of the Rumanian People's Republic are obligatory and applicable to all parts of the Office of the Procurator-General of the Rumanian People's Republic, as well as to all penal cases being tried in any tribunal of the country.

Article 12

The Office of the Procurator-General of the Rumanian People's Republic works independently of any state or local agency and is responsible to no one except the Council of Ministers.

Article 13

All local or state bodies, ministries, or administrative organs of any kind, as well as all individual persons or citizens, are required to furnish any information, documents, or explanation which may be demanded by the Procurator-General.

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Article 14

Any order issued by the Procurator-General of the Rumanian People's Republic may be annulled or suspended by the Presidium of the Grand National Assembly of the Rumanian People's Republic or by the Council of Ministers.

III. ORGANIZATION OF THE OFFICE OF THE PROCURATOR-GENERAL
OF THE RUMANIAN PEOPLE'S REPUBLIC

Article 15

The Office of the Procurator-General of the Rumanian People's Republic will have the following divisions:

- a. The Office of the Procurator-General, which constitutes the central apparatus of all state prosecuting attorneys of the Rumanian People's Republic.
- b. Local units of the Office of the Procurator-General of the Rumanian People's Republic.

Article 16

The Office of the Procurator-General of the Rumanian People's Republic has the following allied directorates:

1. Directorate of the Military Procurator-General
2. Directorate of the Military Procurator-General attached to the Ministry of State Security.
3. Directorate of the Procurator-General for Railroads, Maritime, and River Affairs.
4. Directorate for Special Control
5. Directorate for Control of Tribunal Judiciary Activities
6. Directorate for Control of Penal Activities
7. Directorate for Control of Judicial Sentences, their execution, and Places of Detention of Prisoners
8. Directorate of Studies and Statistics
9. Directorate of Cadres and Higher Learning
10. Directorate of Bookkeeping
11. Directorate of Administrative Services
12. Directorate of the Secretariat

Article 17

In addition to the Procurator-General of the Rumanian People's Republic, the following persons are attached to the Office of the Procurator-General:

- a. A number of assistant procurators-general; of these, one is the substitute for the Procurator-General of the Rumanian People's Republic; the

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second is the Military Procurator-General having jurisdiction over the Armed Forces of the Rumanian People's Republic; the third is the Military Procurator-General having jurisdiction over the Ministry of State Security.

b. A number of assistant procurators-general of the Rumanian People's Republic in charge of the various other directorates of the Office of the Procurator-General, as outlined in Article 16 above.

c. A number of assistant procurators-general of the Rumanian People's Republic in charge of the operational activities of the Office of the Procurator-General.

d. A number of assistant procurators-general of the Rumanian People's Republic in charge of special duties and exceptional trials.

Article 18

All local units of the Office of the Procurator-General of the Rumanian People's Republic are organized on a territorial basis.

These territorial units are further divided into offices of the Procurator-General for military cases, railroad cases, and maritime cases.

Article 19

Local offices of the Procurator-General employ prosecutors, assistant prosecutors, trial prosecutors, and several kinds of deputies.

Article 20

The organization and functions of the local offices of the Procurator-General are set up by separate law.

IV. PROFESSIONAL RATINGS OF PERSONNEL
OF THE OFFICE OF THE PROCURATOR-GENERAL

Article 21

The following professional ratings are hereby established for personnel of the Office of the Procurator-General:

Higher Personnel

1. Chief Judicial Counselor of State
2. Judicial Counselor of State, Class I
3. Judicial Counselor of State, Class II

Leading Personnel

4. Chief Judicial Counselor
5. Principal Judicial Counselor
6. Judicial Counselor

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Lower Personnel

7. Jurist, Class I
8. Jurist, Class II
9. Jurist, Class III
10. Jurist, Class IV

Article 22

Administrative personnel of the Office of the Procurator-General of the Rumanian People's Republic, with the exception of military personnel, will receive professional ratings corresponding to the duties which they perform and according to the table below.

Article 23

Professional ratings of administrative personnel are issued by an order of the Procurator-General of the Rumanian People's Republic. Norms for establishing the professional grades are established by law in every case.

Article 24

Professional ratings of administrative personnel of the Office of the Procurator-General of the Rumanian People's Republic are equivalent to military ranks of the Army of the Rumanian People's Republic, as seen in the following table:

<u>Rating</u>	<u>Title of Professional Rating</u>	<u>Corresponding Military Ranks</u>
Higher Personnel		
1	Chief Judicial Counselor of State	From Lieutenant General to General
2	State Judicial Counselor, Class 1	From Major General to Lieutenant General
3	Judicial Counselor of State	Major General
Leading Personnel		
4	Chief Judicial Counselor	Colonel
5	Principal Judicial Counselor	Lieutenant Colonel
6	Judicial Counselor	Major
Lower Personnel		
7	Jurist, Class I	Captain
8	Jurist, Class II	Senior Lieutenant
9	Jurist, Class III	Lieutenant
10	Jurist, Class IV	Second Lieutenant

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Administrative personnel of the Office of the Procurator-General of the Rumanian People's Republic holding professional ratings must wear special uniforms with special insignia during exercise of their duties.

Article 26

Description of uniforms and their particular characteristics will be given in an order of the Procurator-General of the Rumanian People's Republic.

V. APPOINTMENT AND DISCIPLINE OF ADMINISTRATIVE AND
OPERATIVE PERSONNEL OF THE OFFICE OF THE PROCURATOR-GENERAL

Article 27

The assistant procurators-general of the Rumanian People's Republic, as well as all of their personnel in the immediate office, are appointed directly by the Procurator-General of the Rumanian People's Republic.

Assistant procurators-generals in charge of military cases will be appointed by the Procurator-General of the Rumanian People's Republic, with the approval of the Minister of Armed Forces and the Minister of State Security.

The assistant procurators-general of the Rumanian People's Republic are appointed for a term of 4 years.

Article 28

Dismissal of personnel in the office of the Procurator-General of the Rumanian People's Republic is done by the Procurator-General himself.

Dismissal of personnel in the Office of Procurator-General trying military cases will be done by the Procurator-General himself, with the approval of the Minister of Armed Forces and the Minister of State Security.

Article 29

The issuance of military ranks to civilians given appointments in the Office of the Procurator-General is done at the proposal of the Procurator-General of the Rumanian People's Republic and in accordance with existing regulations.

Article 30

Salaries of military personnel serving in the Office of the Procurator-General of the Rumanian People's Republic will be the same as those of military personnel on regular duty.

Article 31

Any disciplinary measures for disobedience or failure to perform duties, with the exception of criminal acts, will be taken by order of the Procurator-General of the Rumanian People's Republic.

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All military personnel attached to the Office of the Procurator-General of the Rumanian People's Republic are liable to the laws and disciplinary measures established by the Ministry of Armed Forces of the Rumanian People's Republic.

Article 32

Attendance of all personnel attached to the office of the Procurator-General of the Rumanian People's Republic is taken by the Procurator-General, or one of his delegates.

Attendance of all military personnel attached to this office is taken through channels.

VI. FINAL INSTRUCTIONS

Article 33

The term "parchet" (office of public prosecutor) appearing in all former legal decrees or documents is hereby changed to "procuratura" (office of procurator-general). The term "minister public" (public minister) is changed to "procuror" (prosecutor). The term "instructor penal" (penal investigator) is changed to "anchetator penal" (penal inquisitor).

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